

**IN THE CLAIMS:**

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A | 8. The recording apparatus according to claim 1, wherein the recording unit stores flag data which indicates whether an end address for addressing the last image data of the motion picture is written or not into the index area portion.

9. The recording apparatus according to claim 8, wherein the index area portion has an area where the end address of the motion picture is stored, and the recording unit stores the flag data into the area of the index area portion.

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**REMARKS**

The claims starting after original claim 7 have been renumbered to address an error in the original claim numbering (i.e., as originally filed there were two claims number "10"). No new matter has been added as a result of the above amendments.

**CONCLUSION**

The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application

In accordance with 37 CFR 1.121(c)(1)(ii) a marked up version of the amended claims is attached as Appendix A.

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Respectfully submitted,



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